

DeGette	Johnson (CT)	Pallone
Delahunt	Johnson (WI)	Pappas
DeLauro	Johnson, E. B.	Parker
Dellums	Johnson, Sam	Pascarell
Dixon	Jones	Pastor
Deutsch	Kanjorski	Paul
Diaz-Balart	Kaptur	Paxon
Dickey	Kasich	Payne
Dicks	Kelly	Pease
Dingell	Kennedy (MA)	Pelosi
Dixon	Kennedy (RI)	Peterson (MN)
Doggett	Kennelly	Peterson (PA)
Dooley	Kildee	Petri
Doolittle	Kilpatrick	Pickering
Doyle	Kim	Pickett
Dreier	Kind (WI)	Pitts
Duncan	King (NY)	Pombo
Dunn	Kingston	Pomeroy
Ehlers	Kleczka	Porter
Ehrlich	Klink	Poshard
Engel	Knollenberg	Price (NC)
English	Kolbe	Pryce (OH)
Ensign	Kucinich	Quinn
Eshoo	LaFalce	Radanovich
Etheridge	LaHood	Rahall
Evans	Lampson	Ramstad
Everett	Lantos	Rangel
Ewing	Largent	Redmond
Farr	Latham	Regula
Fattah	LaTourette	Reyes
Fawell	Lazio	Riggs
Fazio	Leach	Rivers
Filner	Levin	Rodriguez
Flake	Lewis (CA)	Roemer
Foglietta	Lewis (GA)	Rogan
Foley	Lewis (KY)	Rogers
Forbes	Linder	Rohrabacher
Ford	Lipinski	Ros-Lehtinen
Fossella	Livingston	Rothman
Fowler	LoBiondo	Roybal-Allard
Fox	Lofgren	Royce
Frank (MA)	Lowey	Rush
Franks (NJ)	Lucas	Ryun
Frelinghuysen	Luther	Sabo
Frost	Maloney (CT)	Salmon
Furse	Maloney (NY)	Sanchez
Gallegly	Manton	Sanders
Gallely	Manzullo	Sandlin
Ganske	Markey	Sanford
Gejdenson	Martinez	Sawyer
Gekas	Mascara	Saxton
Gephardt	Matsui	Scarborough
Gibbons	McCarthy (MO)	Schaefer, Dan
Gilchrist	McCarthy (NY)	Schaffer, Bob
Gilman	McCollum	Schumer
Goode	McCrery	Scott
Goodlatte	McDade	Sensenbrenner
Goodling	McGovern	Serrano
Gordon	McHale	Sessions
Goss	McHugh	Shadegg
Graham	McInnis	Shaw
Granger	McIntosh	Shays
Green	McIntyre	Sherman
Greenwood	McKeon	Shimkus
Gutierrez	McKinney	Shuster
Gutknecht	McNulty	Sisisky
Hall (OH)	Meehan	Skaggs
Hall (TX)	Meek	Skeen
Hamilton	Menendez	Skelton
Hansen	Metcalf	Slaughter
Harman	Mica	Smith (MI)
Hastert	Millender-	Smith (NJ)
Hastings (FL)	McDonald	Smith (OR)
Hastings (WA)	Miller (CA)	Smith (TX)
Hayworth	Miller (FL)	Smith, Adam
Hefley	Minge	Snowbarger
Hefner	Mink	Snyder
Hergert	Moakley	Solomon
Hill	Mollohan	Souder
Hilleary	Moran (KS)	Spence
Hilliard	Moran (VA)	Spratt
Hinchey	Morella	Stabenow
Hinojosa	Murtha	Stark
Hobson	Myrick	Stearns
Hoekstra	Nadler	Stenholm
Holden	Neal	Stokes
Hooley	Nethercutt	Strickland
Horn	Neumann	Stump
Hostettler	Ney	Stupak
Houghton	Northup	Sununu
Hoyer	Norwood	Talent
Hulshof	Nussle	Tanner
Hunter	Oberstar	Tauscher
Hutchinson	Obey	Tauzin
Hyde	Olver	Taylor (MS)
Inglis	Ortiz	Taylor (NC)
Istook	Owens	Thomas
Jackson (IL)	Oxley	Thompson
Jefferson	Packard	Thornberry
Jenkins		
John		

Thune	Visclosky	Wexler
Thurman	Walsh	Weygand
Tiahrt	Wamp	White
Tierney	Waters	Wicker
Torres	Watkins	Wise
Towns	Watt (NC)	Wolf
Trafigant	Watts (OK)	Woolsey
Turner	Waxman	Wynn
Upton	Weldon (FL)	Young (AK)
Velazquez	Weldon (PA)	Young (FL)
Vento	Weller	

NAYS—2

Barr	Jackson-Lee (TX)
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NOT VOTING—16

Arney	Gonzalez	Schiff
Cubin	Klug	Smith, Linda
DeLay	McDermott	Whitfield
Edwards	Portman	Yates
Emerson	Riley	
Gillmor	Roukema	

□ 1926

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the sense of Congress that the United States should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LINDA SMITH of Washington. Mr. Speaker, on rollcall No. 626, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I missed the vote on rollcall No. 626, the sense of Congress regarding U.S. participation in EXPO 2000 in Hannover, Germany. Had I been present, I would have voted "yes."

□ 1930

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, under my reservation it is my understanding that the gentleman is attempting to bring to

the House a 1-day CR. I would like to ask a number of questions so that all Members might understand where we are at and where we expect to be about 2 days from now.

Could I first inquire if the gentleman could inform Members what the expected schedule is tonight?

Mr. LIVINGSTON. Mr. Speaker will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the Majority Leader does not appear to be on the floor, and I am not prepared to address the entire schedule. I do know that it is the intent of the leadership to bring up the fast track some time tonight, and the appropriations bills that remain have to be taken up. Included among them are the Commerce-Justice-State bill, which is being conferred, as the gentleman knows, simultaneously with the activities on the floor. The District of Columbia bill, which passed the House, is being entertained by the Senate, and the foreign operations bill is pending, having been fully conferred, and is awaiting the decision to move forward with many issues, among them being the U.N. population planning issue.

Mr. OBEY. Further reserving the right to object, Mr. Speaker, and I really do not want to object, but my leadership on this side of the aisle has asked that we try to elicit some understanding of what the schedule is tonight. Members have a right to know what the expectation is about when fast track is going to be taken up, they have a right to know whether further legislation will be taken up after fast track tonight, and they also have a right to know whether we are intending to be here tomorrow, whether Members will, in fact, be able to get back for Veterans Day or not, whether there are going to be further conferences tonight.

Mr. Speaker, I would ask is there not someone from the leadership on the gentleman's side of the aisle who can tell us what the story is, because, frankly, I have had two or three Members over here who are indicating they are inclined to object to consideration of the CR without that information.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I certainly share the gentleman's zeal to end the process and to finish this session of the 105th Congress, and I know that Members have lots of things that they would like to do and simply to return to home.

However, I might add that if the gentleman objects, the fact is that we will not have a continuing resolution to keep the Government in operation after midnight tonight, and certain Government activities will close down.

Mr. OBEY. Mr. Speaker, if I could reclaim my time under the reservation, let me simply say that is not so. The

question is not whether we object. The question is whether somebody can take 5 minutes to tell us. I mean, the motion can be renewed at any time, but, frankly, the gentleman from Louisiana and I are totally in the dark about what is happening. I think every other Member here is totally in the dark about what is happening, and I think Members have some right to know what the situation is. And so I would again ask whether anyone from the gentleman's leadership can tell us what the plans are for tonight, for tomorrow and for Veterans Day.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am advised and would explain to the gentleman that the intent of the House is to go ahead and continue along a very long list of suspensions, and that eventually we will get to the vote on the fast track legislation. The gentleman knows that that vote is going to be very close, and so I would expect that when people on all sides of the Capitol feel that they have exhausted their opportunity to discuss it with Members, that they will bring it up. But in the meantime we have these suspensions, and I would be happy to read them to the gentleman, but I do not think that is necessary.

But let me point out that all we are attempting to do at this point is to provide for a 24-hour extension so that Government will not close down after midnight tonight. That is a 1-day extension with all of the conditions which were included in the previous continuing resolution which we passed 2 days ago. It is a simple 1-day extension.

I hope, I sincerely hope, that at the conclusion of that 24 hours, we will be able to go home and we will not have to have any more CRs. But I cannot assure the gentleman of anything at this point.

Mr. OBEY. Again under any reservation let me simply say I, too, hope that we can finish in 24 hours, but, frankly, I do not approach this like I am a permanent president of an optimist club, and it just seems to me that we have massive confusion here.

Let me ask the gentleman, does the gentleman know how many bridges the administration has given away today to try to pick up votes?

Mr. LIVINGSTON. This gentleman does not have sufficient fingers to count.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Speaker, I think today was roads, highways, not bridges today.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would point out to the gentleman that

currently signed into law in the 1998 appropriations cycle is the military construction bill, the legislative branch bill, the Defense bill, the Treasury bill, the energy and water bill, the VA/HUD bill and the Transportation bill.

Cleared for the President, and sitting on his desk and awaiting his signature are the Interior and the Agriculture bill, and just a couple days ago we passed the Labor-Health bill with an overwhelming margin, and we would expect him to sign that.

Remaining are three appropriations bills: foreign operations, Commerce-Justice, and District of Columbia. They are pending in the process, and I fully expect and hope that within the next 24 hours we are going to be able to take up those bills and pass them and send them to the President, and he is going to sign them into law. It is my expectation that if we are so lucky, after this, the expiration of this 24-hour continuing resolution, we would be able to go back and do the things among our constituents that we have planned.

Mr. OBEY. Again under my reservation of objection, Mr. Speaker, let me simply explain to the Members what I understand is happening with respect to one of the appropriation bills.

The State-Justice bill has a number of contentious items. Frankly, right now, although there is language which apparently may meet with the approval of the administration, we have a meeting going on right now with a number of lawyers to try to decipher what that language is and to see whether or not we can work our way to agreement on that. If we can, I would grant that there is the possibility of going to conference tonight without a lot of problems on the State-Justice bill.

But we still have confusion about the other two bills.

Let me ask, does the gentleman know of any other so-called compromise language which is circulating with respect to Mexico City? There are rumors rampant about different language being floated by the administration, by somebody else. Has the gentleman been given any language that would effect the Mexico City provisions of the foreign operations bill?

Mr. LIVINGSTON. If the gentleman would yield further, the only language that I know about is the language that was sent to the Senate, and I am told that the Senate has some language of their own which they are sending back to us. But beyond those two sets of language, I know of none.

Mr. OBEY. Could the gentleman further tell us, under my reservation of objection, what are the plans for handling the D.C. appropriations bill?

Mr. LIVINGSTON. Mr. Speaker, it was our intent to receive some notification from the Senate in handling the D.C. bill individually; however, it looks as if the Senate is currently acting on a proposal that might join all three bills and send it back to us. We would

expect that if that is the case, we would receive it sometime tonight and that we would act on either a joint bill, sometimes known as an omnibus bill, which would include all three appropriations bills, or we would handle each of them individually.

I would tell the gentleman it would be my preference if we can conclude the Commerce-Justice-State, conference, then we can take that up this evening, or tomorrow.

Mr. OBEY. If I can just, under my reservation of objection again, note that I am informed that so far staff has found at least 50 mistakes in the Senate version of the State-Justice-Commerce bill as it was sent over here. I am not saying that by way of criticizing, I am saying that by way of alerting Members to the fact that it is essential that we have enough time to read out those bills at a staff level, and perhaps Members of the leadership who have not served as committee chairs do not sufficiently appreciate the need to make certain that we have these things right before we proceed.

But my concern is that a lot of Members want to know whether they should cancel their Veterans Day plans. If they are going to be back in their districts for Veterans Day, they are going to have to leave here Monday. We are being told that people should expect to be here Monday, and I think, frankly, I doubt very much that a 1-day CR is going to be enough, and I would ask why we have not just proceeded with a CR that is 4 or 5 days so that Members would have some clarity about what is going to happen on Veterans Day.

Mr. LIVINGSTON. Mr. Speaker, the gentleman has explained that he is not a member of the optimist club, and I have to tell the gentleman that I am an eternal optimist and that it is my hope that all of our business can, in fact, be concluded by at least this time tomorrow night and that Members will be back in their districts by Tuesday. But obviously in view of the uncertainty of the bills before us, it is impossible to give the gentleman a guarantee.

Mr. OBEY. Mr. Speaker, I guess under my reservation of objection again, I guess I would simply say that this is not the most organized way to end the session that I have ever seen, and I would simply ask that before any actions are taken with respect to any of the three appropriation bills, that both our leadership and the ranking members on each of those subcommittees be given ample time so that whatever changes might be contemplated by the minority to the greatest extent possible can be cleared with our side so that we do not run into some last-minute blowups.

Mr. Speaker, we are not going to elicit any information.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I just wanted to assure the gentleman that it is my intention that not only our joint leaderships, but that the gentleman and I and the respective subcommittee chairmen from both the majority and the ranking minority members have full opportunity to review all proposals before they hit the floor and that the staff has adequate time to read it and make sure that mistakes are not made.

The fact is that the committees are working, and especially, I think, the Committee on Appropriations in this instance is working as expeditiously and efficiently as is absolutely possible under rather uncertain conditions, and I am proud of the job we are doing. I am just not able to give the gentleman any guarantees about the ultimate schedule.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Again, further reserving the right to object, Mr. Speaker, I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, the gentleman from Wisconsin and the chairman of the committee is correct. Just on the Commerce-State-Justice bill it will take 12 or 13 hours of staff time just to read through, to proofread, that one bill.

□ 1945

So we need a lot of lead time. We have been trying to pre-read the portions that are more or less agreed to. But even in spite of that, it is going to take that long a period of time, just to read on the one bill.

Mr. OBEY. Mr. Speaker, continuing my reservation, let me simply make this point, I think we have terrific staff on the Committee on Appropriations. But as good as they are, they are likely to make some significant mistakes if they are reading out these bills when they have been strung out through night after night with virtually no rest.

It seems to me that if there is not a reasonable expectation that we can finish, that we ought to recognize that so that Members can get some sleep. My observation is that this place usually works better and the Members get along better with each other when their tails are not dragging, and everybody's are, as far as I can see right now, and certainly the staff.

Mr. Speaker, we are not going to get any more information, but what we have been told so far is that the fast-track legislation is going to come up sometime tonight, that we may or may not be moving ahead with other appropriation bills, and, if we do move ahead with them, they may or may not be in an omnibus form, and we do not really have any idea at this point how long it is going to take to read out these bills or to bring them to the Congress in a form which is safe for Members to vote on.

Under those circumstances, I would simply say I am dubious that a one-day CR is going to solve anything.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of House Joint Resolution 104 is as follows:

H.J. RES. 104

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 9, 1997" and inserting in lieu thereof "November 10, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 10, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore (Mr. PETRI). Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on the conference report on S. 830.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we stand on the verge of medical advances that will revolutionize the quality of health care in America, and today we make the promise of better medicines and treatments a reality for millions of Americans. The bipartisan conference agreement reached earlier this afternoon to modernize the FDA is a victory for American patients.

After almost 3 years of work by the Committee on Commerce, we have delivered a piece of legislation that will do more to help patients than any legislation passed in decades. When we first discussed the need to modernize the FDA in 1995, we knew that outdated rules were slowing down the vital work of the agency and that patients

were the ones who were suffering. Vital new medicines and medical devices were not getting to the patients who needed them quickly enough.

As I said back then, it is not right that American patients are having to go overseas to get the care they need to stay alive. Congress had to act. Our FDA reform team conducted the most extensive legislative outreach in recent memory. Literally thousands of hours were devoted to reaching out to all corners of the country. Our goal then was to achieve a balanced legislation, legislation that the President would be eager to sign.

Today we have fulfilled our objectives. This agreement will result in a better and more efficient FDA. It will enhance the safety of the medicines we take and the medical devices we use and the foods we feed our children. Medicines will be approved faster, medical devices will get to people sooner, and those with life-threatening diseases will have access to the best experimental new drugs that science can provide. That is important, because when you are sick, when you are suffering, every minute counts.

Some of my colleagues deserve special praise and thanks. Their work on this issue has been tireless, and the credit for this legislation belongs to them. The members of our FDA reform team, the chairman of our Subcommittee on Health and Environment, the gentleman from Florida [Mr. BILIRAKIS], along with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], and the gentleman from Kentucky [Mr. WHITFIELD].

I also want to reach across the aisle to thank our friends, the gentlewoman from California [Ms. ESHOO], the gentleman from New York [Mr. TOWNS], and the gentleman from Texas [Mr. HALL], and all our ranking members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. BROWN], for their invaluable contributions to this effort. And to our colleagues over in the Senate, Senators JEFFORDS and KENNEDY.

I also want to thank my committee staff, Howard Cohen, Eric Berger, and Roger Currie, as well as the personal staffs of the FDA reform team, Patti DeLoache with the gentleman from Florida [Mr. BILIRAKIS], Mora Guarducci with the gentleman from Pennsylvania [Mr. GREENWOOD], Alyson Neuman with the gentleman from North Carolina [Mr. BURR], Beth Hall with the gentleman from Texas [Mr. BARTON], Pete Bizzozero with the gentleman from Wisconsin [Mr. KLUG], and Tim Taylor with the gentleman from Kentucky [Mr. WHITFIELD].

I would also like to extend my gratitude to the able and hard-working legislative counsels who helped craft this measure: David Meade, Pete Goodloe, and Liz Aldridge.